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In re application of
Katz et al.
Serial No. 10/806,825
Filed: March 22, 2004
For: Thermolytic Synthesis of Inorganic Oxides Imprinted
With Functional Moieties

DECISION ON
PETITION

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed October 17, 2006. The petition was filed on December 15, 2006.

On October 17, 2006, a final office action was mailed after applicants filed a Request for Continued Examination (RCE). Upon filing of the RCE applicants submitted arguments against the rejections of record and amended the claims in response to the rejections. The Examiner issued a first action final rejection of all claims, stating that the finality of the rejections was proper since these claims could have been finally rejected in the present application if presented earlier. Applicants assert that they are seeking to respond to a complicated set of rejections involving six references, after an immediately previous final rejection. The first action final rejection in the RCE has placed an unfair prosecution burden on the applicants.

DECISION

A review of the circumstances indicates that the final rejection of October 17, 2006 was not proper.

The petition for withdrawal of finality is **GRANTED**.

The action of October 17, 2006 is now a non-final rejection. However the period for response to the non-final rejection will be set to the original mail date of October 17, 2006.

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